

## RESOLUTION NO. A-\_\_\_\_\_

1 WHEREAS, the University of Nebraska-Lincoln has submitted an  
2 application for a permit to use the public right-of-way in 14th Street between Q and R  
3 Streets for the purpose of installing a 4" fiber optic communications conduit to connect  
4 to the University of Nebraska Cultural Center; and

5 WHEREAS, said applicant has submitted a letter of application and a site  
6 plan which are attached hereto, marked as Exhibit "A" and Exhibit "B" respectively, and  
7 made a part of this resolution by reference, to use the public right-of-way as above  
8 described; and

9 WHEREAS, said applicant has complied with all of the provisions of  
10 Chapter 14.54 of the Lincoln Municipal Code pertaining to such use.

11 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of  
12 Lincoln, Nebraska:

13 That the aforesaid application of the University of Nebraska-Lincoln,  
14 hereinafter referred to as Permittee, to use the public right-of-way in 14th Street  
15 between Q and R Streets as shown on Exhibit "B", for the purpose of installing  
16 telecommunication conduit be granted as a privilege only by virtue of and subject to  
17 strict compliance with the site plan, the letter of application, and the following terms and  
18 conditions, to wit:

19 1. That the permission herein granted is granted as a privilege only,  
20 and is subject to all the terms and conditions of Chapter 14.54 of the Lincoln Municipal  
21 Code except that the provisions relating to the posting of a continuing bond in the

1 amount of \$5,000 and the filing of a certificate of insurance are waived since Permittee  
2 is a governmental entity.

3 2. That said use shall conform to the application, the site plan filed  
4 therewith, and with all applicable City ordinances and regulations.

5 3. The Permittee, its successors or assigns shall save and keep the  
6 City free and harmless from any and all loss or damages or claims for damages arising  
7 from or out of the use of the public way requested herein.

8 4. That all work done under the authority of this resolution shall be  
9 subject to the inspection and approval of the Director of Public Works of the City of  
10 Lincoln.

11 5. This permit may be revoked by resolution of the City Council and  
12 after giving of five days written notice to the Permittee by the City Clerk, for the  
13 following reasons: (a) failure or neglect of the Permittee to comply with the provisions  
14 of Chapter 14.54 of the Lincoln Municipal Code, or any other provisions of the Lincoln  
15 Municipal Code or the provisions of the permit; (b) failure to use the space for which the  
16 permit was granted for a continuous period of at least six months or (c) upon a  
17 determination by the City that the space for which the permit was granted is needed for  
18 public use.

19 Upon revocation of a permit, the Permittee shall forthwith remove  
20 or abandon the space for which the permit was granted, together with the removal of  
21 any structure at their own cost and expense and return that space to the City of Lincoln,  
22 free and clear of all structures or encroachments of any type, at no expense to the City.

1 If the requested removal or abandonment has not been completed within six months  
2 after revocation of the permit, the City Council may cause such removal or  
3 abandonment to be so done and the cost of such work shall become a lien against the  
4 property of the Permittee.

5 6. The terms and conditions of this resolution shall be binding and  
6 obligatory upon the above-named Permittee, its successors and assigns.

7 7. That within thirty (30) days from the adoption of this resolution, and  
8 before commencing any construction under the provisions hereof, the Permittee shall  
9 file an unqualified written acceptance of all the terms and conditions of this resolution  
10 with the City Clerk. Failure to do so will be considered a rejection hereof and all  
11 privileges and authorities hereunder granted shall thereupon ipso facto terminate.

Introduced by:

\_\_\_\_\_

Approved as to Form and Legality:

\_\_\_\_\_  
City Attorney

Approved this \_\_\_\_ day of \_\_\_\_\_, 2003:

\_\_\_\_\_  
Mayor